IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.413 OF 2004
IN
FIRST APPEAL NO.141 OF 2004

M/s.Krishna Constructions ... Applicant

Versus

Mr.Balasaheb Ramchandra Gholap & Ors. ... Respondents

Shri S.K.Lanke for the Applicant.

Shri Vivek Salunkhe for the Respondent Nos.1 to 5.

CORAM : ABHAY S.OKA, J.

DATED : JANUARY 25, 2007.

P.C.:

1. Heard the Advocates appearing for the Applicant and Advocate appearing for the first to fifth Respondents. First Appeal has ben admitted for final hearing. Decree is for specific performance of agreement for sale of a flat. The decree directs the Applicant to pay a sum of Rs.40,000/- to the plaintiffs. Money decree cannot be stayed unless the Applicant deposits the said amount in this court.

2. Hence, Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to following conditions:

(a) The Applicant will not create any third party interest in respect of the suit flat;

(b) The Applicant will deposit the sum of Rs.40,000/- in the trial Court within a period of six weeks from today;

(c) If deposit of sum of Rs.40,000/- is not made within the stipulated time, interim stay will stand vacated without further reference to the court. If the amount is deposited, the first Respondent will be permitted to withdraw the same on furnishing security to the satisfaction of the trial Court; and

(d) The trial Court will hear the Applicant before accepting the security.

(ii) Application is disposed of in above terms.

JUDGE